

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Lewis Brady,)	
)	
Plaintiff,)	
)	Civil Action No. 2:23-2067-BHH
v.)	
)	<u>ORDER</u>
Thomas Holmes;)	
Rafael James;)	
David Schwacke;)	
M. Erica; M. Tupac; M. Gina;)	
and Randy Demory,)	
)	
Defendants.)	
)	

This matter is before the Court upon Plaintiff Lewis Brady's ("Plaintiff") pro se complaint seeking relief pursuant to 42 U.S.C. § 1983 and South Carolina law. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for initial review.

On July 5, 2023, the Magistrate Judge issued a Report and Recommendation ("Report"), summarizing Plaintiff's complaint and recommending that the Court dismiss Plaintiff's claims against Defendants Schwacke and James. Attached to the Magistrate Judge's Report was a notice advising Plaintiff of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to

which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s analysis of Plaintiff’s claims against Defendants Schwacke and James. Accordingly, the Court adopts and incorporates the Magistrate Judge’s Report (ECF No. 6); the Court declines to give Plaintiff leave to amend his complaint as it pertains to Defendants Schwacke and James, as leave to amend would plainly be futile; and the Court dismisses claims 3 and 4 against Defendants Schwacke and James and terminates Defendants Schwacke and James from this action.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

July 31, 2023
Charleston, South Carolina